

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

TRACK THREE

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

DECLARATION OF JOHN J. CONNOLLY

1. I am over the age of 18 and competent to testify from personal knowledge as to the facts set forth herein. I am an attorney at Zuckerman Spaeder LLP, which represents CVS defendants in this matter.

2. Attached hereto as Exhibit A are pages downloaded under my supervision from an Ohio Department of Health website (<https://coronavirus.ohio.gov/wps/portal/gov/covid-19/dashboards/covid-19-vaccine/covid-19-vaccination-dashboard>) on June 17, 2021.

3. Attached hereto as Exhibit B is an article downloaded from US Law Week titled *Next Pre-Trial Question for Jurors: Are You Vaccinated?* by Madison Alder.

4. Attached hereto as Exhibit C is an article downloaded from a National Institutes of Health website (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5784985/pdf/pone.0191728.pdf>) titled *The influence of political ideology and trust on willingness to vaccinate* by Bert Baumgaertner and others and published in a journal called PLoS One.

5. Attached hereto as Exhibit D is an article downloaded from www.nytimes.com titled *Least Vaccinated U.S. Counties Have Something in Common: Trump Voters* by Danielle Ivory et al.

6. Attached hereto as Exhibit E is an article downloaded from The Hill titled *State vaccine rates fall along red, blue divide* by Peter Sullivan.

7. Attached hereto as Exhibit F is an article downloaded from www.nytimes.com titled *The Vaccine Class Gap* by David Leonhardt.

8. Attached hereto as Exhibit G is a publication of the National Center for State Courts dated May 4, 2021, titled *Considerations about Collecting Information on COVID-19 Vaccine Status from Prospective Jurors*, downloaded from the Internet at website address https://www.ncsc.org/__data/assets/pdf_file/0027/64296/COVID-19-Vaccine-Considerations.pdf.

9. Using Ohio Department of Health numbers from Exhibit A, Page 1, I calculated the percentage of vaccinated Ohio residents between ages 20 and 69 to be 49.3 percent, as shown in the table below.

Age Group	Pct. Vacc. (ODOH)	Vacc. Pop. (ODOH)	Total Pop. Calculated	Pct. Vacc. Calculated
20-29	33.63%	522,300	1,553,078	33.63%
30-39	40.65%	600,488	1,477,215	40.65%
40-49	46.99%	651,800	1,387,104	46.99%
50-59	55.52%	856,103	1,541,972	55.52%
60-64	66.20%	527,266	796,474	66.20%
65-69	74.91%	499,556	666,875	74.91%
Wgtd Avg Calc.		3,657,513	7,422,718	49.27%

10. Using Ohio Department of Health numbers from Exhibit A, Page 3, I calculated an estimate for absolute and comparative disparities expected in the jury pool if only vaccinated persons were selected as set forth in the table below. This estimate is based on statewide numbers and omits the “Unknown” and “Other” races because vaccination data is not reported for those categories. The mathematical formulas are as follows: Col. C = (Col. B ÷ Col. A); Col. D = (Col.

B ÷ Col. B sum); Col. E = (Col. C ÷ Col. C sum); Col. F = (Col. D – Col. E); Col. I = (Col. F ÷ Col. E).

	Column A	Column B	Column C	Column D	Column E	Column F	Column I
	Pct. Vacc.	Vacc. Pop.	Total Pop.	Pct. Vacc.	Pct. Tot.	Absolute	Compar.
Race	(ODOH)	(ODOH)	Calculated	Pool	Pool	Disparity	Disparity
White	40.86%	3,903,405	9,553,120	86.91%	81.72%	5.19%	6.35%
Unknown							
Other							
Black or Afr.-	25.74%	392,683	1,525,575	8.74%	13.05%	-4.31%	-33.00%
Asian	54.18%	157,926	291,484	3.52%	2.49%	1.02%	41.02%
Am. Ind. Et al	33.15%	11,273	34,006	0.25%	0.29%	-0.04%	-13.72%
Nat. Haw.	56.09%	3,957	7,055	0.09%	0.06%	0.03%	45.99%
Multiracial	7.88%	21,937	278,388	0.49%	2.38%	-1.89%	-79.49%
		4,491,181	11,689,628				

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 21, 2021.

/s/ John J. Connolly

John J. Connolly